

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)	For: COMPLIANCE AUDIT FOR
)	INTEGRATED EMERGENCY
Jones)	MEDICAL TRANSPORTATION
App. No: 10/007,641)	DATABASE SYSTEM
)	
Filing Date: November 6, 2001)	Group art Unit: 3686
)	
)	Examiner: Linh Giang Le
)	
)	

Argument/Remarks

I. Response to Pending Rejections

Currently pending are claims 1-12 and 14-19. All of these claims are rejected under 35 USC 103(a) based on the primary reference of Zak (2002/0004729) in view of other references. Importantly, the Examiner argues that Zak discloses:

“a computerized, integrated emergency medical transportation database system. Zak further discloses a medical emergency database configured to store at least clinical encounter data, patient demographic data and transport data wherein at least a portion of the data is input by medical emergency personnel.”

Although not cited as such, Zak is a 102(e) reference and as such can be antedated with a sufficient showing. The earliest possible reference for Zak is its provisional filing date of April 26, 2000.¹

The pending application is based on a provisional application 60/246,308 filed on November 6, 2000. The provisional application specifically incorporates by reference USP 6,117,073 issued on September 10, 2000 to the same two inventors of the pending application. See provisional application, pg. 1 para. 1. The non-provisional patent application currently under prosecution was subsequently filed on November 6, 2001 and also incorporates by reference the ‘073 Patent. See specification as filed, pg. 9, lns. 27-29. The ‘073 Patent has a filing date of March 2, 1999 two years prior to the Zak reference.

The Applicants prior invention embodied by the ‘073 Patent discloses each of the elements for which Zak has been cited, and therefore Applicants respectfully request that the Zak reference be removed as prior art. Specifically, the ‘073 Patent discloses as follows:

¹ Applicants have not been able to determine whether the Zak provisional application contains sufficient disclosure for the elements cited above because the provisional application is not readily available. As shown below, however, whether the appropriate date for Zak is April 26, 2001 or April 26, 2000 the result is the same because the Applicants’ ‘073 Patent demonstrates that they had possession of the invention two years prior to Zak. Applicants nevertheless reserve the right to argue the appropriate priority date of Zak.